



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 5022-00
19 October 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED] USMCR, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 18 Jul 00 w/attachment
(2) HQMC MMPR memo dtd 6 Oct 00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he was promoted to captain, United States Marine Corps Reserve (USMCR), on 1 September 1983, and that his discharge on 9 July 1990 was in the grade of captain.

2. The Board, consisting of Messrs. Bartlett, Lightle, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 18 October 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Headquarters Marine Corps office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show he was promoted to captain, USMCR, with a date of rank and effective date of 1 September 1983.

b. That his record be corrected further to show he was a captain when he was discharged from the USMCR on 9 July 1990; and that he be issued a discharge certificate reflecting that grade.

c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
1412/Z
MMPR
6 OCT 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE [REDACTED]

Ref: (a) MMER Route Sheet of 26 Sep 00
(b) Title 10, U. S. Code

1. Reference (a) requested an advisory opinion in the case of [REDACTED]. [REDACTED] is requesting promotion to captain based on his selection by the CY83 USMCR Captain Promotion Selection Board, which convened 830718.

2. The following facts are germane to this case:

a. [REDACTED] was considered and selected as an in zone officer on the CY83 USMCR Captain Promotion Selection Board.

b. He was to be promoted 830901. Promotion Branch received notification that he was scheduled to be transferred to the Inactive Status List (ISL) on 830728. He was not transferred to the ISL until 840404.

c. Officers selected for promotion who are transferred to the ISL before being promoted have their promotion deleted as if it had not occurred, in accordance with §14317 of reference (b).

d. Promotion Branch erroneously deleted [REDACTED] promotion based on the letter notifying us of the intent to transfer. [REDACTED] should have been promoted 830901, since he was on the Reserve Active-Status List at the time he was to be promoted.

3. Promotion Branch recommends approving his request for promotion to captain. If approved his date of rank would be 830901. Promotion Branch will provide a certificate if the promotion is approved.

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED]

4. The point of contact in this matter is [REDACTED] at
[REDACTED]

[REDACTED]

Head, Officer Promotion Section